

ASSEMBLY BILL

No. 1206

Introduced by Assembly Member Martinez

February 28, 1997

An act to add Section 30.5 to the Education Code, relating to education.

LEGISLATIVE COUNSEL'S DIGEST

AB 1206, as introduced, Martinez. Education: bilingual education.

(1) Existing law authorizes the offering of bilingual education in those situations when this instruction is educationally advantageous to pupils.

This bill would prohibit school districts from utilizing, as part of a bilingual education program, state funds or resources for the purpose of recognition of, or instruction in, any dialect, idiom, or language derived from English, as defined in the bill.

The bill would impose a state-mandated local program by requiring each school district to submit a written report, including specified information relating to the expenditure of state funds for the purpose of recognition of, or instruction in, any dialect, idiom, or language derived from English, as specified, on or before June 1, 1998. The bill would require any school district that has utilized state funds for these purposes to restore these funds, as specified, prior to January 1, 1999.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the

creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 30.5 is added to the Education
2 Code, to read:

3 30.5. (a) (1) A school district shall not utilize, as part
4 of a bilingual education program, state funds or resources
5 for the purpose of recognition of, or instruction in, any
6 dialect, idiom, or language derived from English.

7 (2) For the purposes of this section, both of the
8 following shall be construed as being derived from
9 English:

10 (A) Any dialect, idiom, or language that has linguistic
11 roots connected to English.

12 (B) Any dialect, idiom, or language that has a syntax
13 distinct from English, yet that can be traced linguistically
14 as derived from English.

15 (b) On or before June 1, 1998, each school district shall
16 submit a written report to the Legislature and the State
17 Board of Education relating to both of the following:

18 (1) The amount of state funds that the school district
19 has diverted from bilingual education programs for the
20 purpose of recognition of, or instruction in, any dialect,
21 idiom, or language derived from English.

22 (2) The amount of state funds that the school district
23 has expended, as part of a bilingual program, for the
24 purpose of recognition of, or instruction in, any dialect,
25 idiom, or language derived from English.

26 (c) Any school district that has utilized state funds for
27 either of the purposes set forth in paragraphs (1) and (2)

1 of subdivision (b) shall restore all of the funds expended
2 for these purposes to its bilingual program prior to
3 January 1, 1999.

4 SEC. 2. Notwithstanding Section 17610 of the
5 Government Code, if the Commission on State Mandates
6 determines that this act contains costs mandated by the
7 state, reimbursement to local agencies and school
8 districts for those costs shall be made pursuant to Part 7
9 (commencing with Section 17500) of Division 4 of Title
10 2 of the Government Code. If the statewide cost of the
11 claim for reimbursement does not exceed one million
12 dollars (\$1,000,000), reimbursement shall be made from
13 the State Mandates Claims Fund.

14 Notwithstanding Section 17580 of the Government
15 Code, unless otherwise specified, the provisions of this act
16 shall become operative on the same date that the act
17 takes effect pursuant to the California Constitution.

